

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ORDER

In re

04-md-1613 (RJD) (MDG)

**NIGERIA CHARTER FLIGHTS CONTRACT
LITIGATION,**

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This order pertains to

and all other actions in which Peter

By letter application dated April 15, 2005, Brendan E. Zahner of Thacher Proffitt, co-lead and liaison counsel for plaintiffs in the above multidistrict litigation as well as the above referenced individual action, seeks to compel defendant Dr. O. Peter Obafemi to comply with outstanding document requests. There being no opposition and the Court finding that the requests appear to be relevant to the claims in the individual actions, the motion is granted.

Dr. Obafemi is directed to respond to the requests by June 3, 2005. In light of the fact that Judge Dearie had previously warned in an order dated January 28, 2005 that Dr. Obafemi "must fully participate in these proceedings, attend all scheduled conferences and comply with all orders and discovery requests," this Court finds sanctions are now warranted for his failure to respond to discovery requests and to participate at the last

conference on February 14, 2005. Dr. Obafemi is sanctioned \$200 (\$U.S.), payable to co-lead and liaison counsel by June 10, 2005.

Failure to comply with this order and future orders and discovery requests will result in more drastic sanctions and, ultimately, in entry of default against Dr. Obafemi.

Dr. Obafemi is reminded that the next conference will be June 21, 2005 at 2:00 p.m. and he will be expected to attend in person or through counsel. Any attorney representing him must be admitted to practice in this Court or, if counsel is a member in good standing of the bar of any state or of any United States District Court, counsel may seek admission pro hac vice to this court. Any application for admission must be filed immediately.

Counsel for plaintiffs must send a copy of this order to Dr. Obafemi.

SO ORDERED.

Dated: Brooklyn, New York
May 16, 2005

/s/
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE